

ORDINANCE NO. _____

**AN ORDINANCE ADOPTING CERTAIN RESTRICTIONS ON THE USE OF
FIREWORKS WITHIN CERTAIN AREAS OF BRIGHAM CITY, UTAH.**

WHEREAS, in 2011 the Utah legislature modified the state law by amending the types of fireworks which may be discharged in Utah which appears to have increased the use of fireworks within the City; and

WHEREAS, in 2012 State law changed the dates allowed for discharge; and

WHEREAS, there currently is and may be in the future a high risk of fire during the time when fireworks are allowed to be discharged; and

WHEREAS, the Governor of the State of Utah has recommended that cities and towns consider a ban on fireworks due to high fire danger; and

WHEREAS the council finds it is in the best interest of the municipality and the general health, safety and welfare of the public that this ordinance should be passed;

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THIS MUNICIPALITY AS FOLLOWS:**

1. Definition. All terms relating to fireworks used in this ordinance shall have the same meaning as they are defined in Utah Code Ann. 53-7-202 of the Utah Fire Prevention Act.

2. Sale, Discharge and Possession of Certain Fireworks Restricted.

a. It is unlawful and for any person to sell or offer for retail sale, or to discharge, or to have in their possession any fireworks in this municipality, other than class C common Utah state approved explosives used in accordance with, and only on the dates allowed, by Utah Code Ann. Sections 53-7-220 through 225; the rules adopted pursuant thereto; and this ordinance, except as otherwise permitted by state law.

b. It is unlawful for any person to discharge any fireworks within 20 feet of any residence, dwelling, or structure.

c. Due to unusual extreme hazardous fire conditions in certain portions of the municipality, the discharge of any and all fireworks including class C common fireworks is prohibited in the area of the municipality described as follows: (1) along east bench, (2) area surrounding airport, (3) annexation portion of Bear River Bird Refuge, which is shown with hash marks on the attached map.

3. Enforcement.

a. Every officer charged with enforcement of State and municipal laws including the Fire Marshal is hereby charged with the responsibility to enforce this ordinance.

b. Fireworks possessed, sold or offered for sale in violation of this ordinance may be seized and destroyed and the license of the person selling or offering fireworks for sale may be revoked.

4. Punishment. Violation of this ordinance shall be a class B misdemeanor punishable by both fine and imprisonment as set forth is Utah law.

5. Effective Date. This ordinance shall take effect immediately upon passing.

PASSED AND DATED this ____ day of _____ 2012.

Mayor Dennis J. Fife

Attest:

Recorder